

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE BAYOU HEDGE FUND
INVESTMENT LITIGATION

06-MDL-1755 (CM)

THIS DOCUMENT RELATES TO:

BROAD-BUSSEL FAMILY LIMITED
PARTNERSHIP, MARIA LOUISE
MICHELSOHN, MICHELLE MICHELSOHN,
and HERBERT BLAINE LAWSON, JR.,
individually and on behalf of all other persons
and entities similarly situated.

06-CV-3026 (CM)

Plaintiffs,

-against-

BAYOU GROUP L.L.C., et al..

Defendants.

TRAVIS CO. J.V., ROGER HILL, SR. and
CHRISTOPHER HILL,

06-CV-11328 (CM)

Plaintiffs,

-against-

HENNESSY GROUP L.L.C., ELIZABETH
LEE HENNESSY and CHARLES J.
GRADANTE,

Defendants.

**DECISION AND ORDER
DISMISSING MOTIONS AS MOOT**

McMahon, J.:

There are three fully briefed motions currently pending before this court in Broad Bussel Family L.P. v. Bayou Group L.L.C. (06-CV-3026) and Travis Co. J.V. v. Hennessee Group L.L.C. (06-CV-11328):

1) Defendant Elizabeth Hennessee filed a Motion to Determine the Eligibility of Claims of Putative Class Members for NASD Arbitration in Broad Bussel Family L.P. on June 19, 2006. In her motion, Ms. Hennessee requests that the court enjoin claims brought against her by Travis Co. J.V., Roger Hill, Sr. and Christopher Hill in an NASD arbitration (filed April 21, 2006) because such claims are encompassed by the Broad Bussel Family L.P. class action of which Travis Co. J.V., Hill, Sr. and Hill are putative class action members.

2) Defendants Hennessee Group L.L.C., Elizabeth Hennessee and Charles Gradante filed a Motion to Stay Proceeding and Compel Arbitration in Travis Co. J.V. on November 8, 2006 ("Motion to Compel"). In this motion, defendants request that this court stay the action and compel arbitration before the American Arbitration Association ("AAA").

3) Defendant Elizabeth Hennessee also filed a Motion for Injunctive Relief and Imposition of Stay of Plaintiffs' NASD Arbitration Pending Resolution of Motions Now Pending Before the Court in Travis Co. J.V. on November 8, 2006 ("Injunction Motion"). In this motion, Ms. Hennessee requests that the court enjoin plaintiffs from prosecuting the NASD arbitration until the court resolves all pending motions.

On December 18, 2006, the parties in Travis Co. J.V. filed a stipulation that identifies the above three pending motions and states, "Whereas, the parties desire to consolidate the claims asserted in this action and in the NASD Arbitration before the AAA . . . It is hereby stipulated

. . . 1) Plaintiffs consent to the relief sought in the Motion to Compel and the Injunction Motion . . . 2) Plaintiffs shall commence a proceeding before the AAA . . . asserting the claims set forth in this action and the NASD Arbitration . . . 3) All parties . . . submit to the jurisdiction of the AAA . . . 4) Pending acceptance by the AAA of jurisdiction of the claims asserted in this action and in the NASD Arbitration, this action is hereby stayed. Upon such acceptance, Plaintiffs shall dismiss the NASD Arbitration with prejudice."

This court has been informed by counsel for all parties in Travis Co. J.V., that plaintiffs have commenced a proceeding before the AAA, the AAA has accepted jurisdiction over the claims asserted, and plaintiffs have dismissed the NASD Arbitration with prejudice.

Accordingly, the three motions identified above are dismissed as moot.

This constitutes the decision and order of the court.

Dated: August 22, 2007


U.S.D.J.

BY FAX TO ALL COUNSEL